

**REMARKS**

Claims 1-38 were pending in this application. By this amendment, claim 39 has been added. The status of the claims is as follows:

Claims 29-38 are allowed.

Claims 16 and 29 are objected to because of informalities.

Claims 1, 2, 6, 7, 16, 20, and 21 are rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,676,167 B2 to Schroeder et al ("Schroeder et al").

Claims 3-5, 8, 9, 17-19, 22, and 23 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Schroeder et al.

Claims 10-13 and 24-26 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Schroeder et al in view of U.S. Patent No. 5,556,138 to Nakajima et al ("Nakajima et al").

Claims 14, 15, 27 and 28 are objected to as being dependent upon a rejected base claim, but allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims, is noted with appreciation.

To date, no Notice of Draftsperson's Patent Drawing Review has been received. Applicants respectfully request receipt of this document when it becomes available. Please note that the original drawings filed in the patent application are "formal" drawings.

Claims 16 and 29 have been amended to correct informalities therein. These changes are not necessitated by the prior art, are unrelated to the patentability of the invention over the prior art, and do not introduce any new matter.

**35 U.S.C. § 102(e) Rejection**

The rejection of claims 1, 2, 6, 7, 16, 20, and 21 under 35 U.S.C. § 102(e) as being anticipated by Schroeder et al, is respectfully traversed because the reference fails to disclose all elements of the rejected claims.

With respect to claim 1, it is respectfully submitted that Schroeder fails to disclose a port in which “the port widens at an angle  $\alpha$  between the third diameter and the second diameter, and the port widens at an angle  $\beta$  between the second diameter and the first diameter, the angle  $\alpha$  being different than the angle  $\beta$ .” It is well established that patent drawings do not define the precise proportions of the elements and may not be relied on to show particular sizes if the specification is completely silent on the issue.<sup>1</sup> Schroeder fails to disclose any relationship between the angle between the first and second diameters and the angle between the second and third diameters. Indeed, Schroeder does not provide any disclosure regarding the angles whatsoever. Thus, Schroeder’s Fig. 5 may not be relied upon to show that the angles have particular sizes or proportions. Accordingly, Schroeder does not disclose “the angle  $\alpha$  being different than the angle  $\beta$ ,” and claim 1 distinguishes Schroeder.

Moreover, Schroeder fails to disclose “a conduit having an annular bead, wherein an end of the conduit can be slidably inserted into the port such that the end of the conduit extends beyond the position of the third diameter.” Indeed, Schroeder discloses that end 38” of conduit 18” does not extend beyond the third diameter, *i.e.*, the narrower portion of flared portion 90”.<sup>2</sup> Accordingly, claim 1 further distinguishes Schroeder.

Lastly, Schroeder fails to disclose a conduit having an annular bead, wherein “at least a portion of the annular bead extends beyond the port opening.” Indeed, Schroeder

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<sup>1</sup> MPEP 2125 citing *Hockerson-Halberstadt, Inc. v. Avia Group Int'l*, 222 F.3d 951, 956, 55 USPQ2d 1487, 1491 (Fed. Cir. 2000).

<sup>2</sup> Schroeder, Fig. 5, and column 4, lines 53-55.

shows that flange 30" of conduit 18" is disposed entirely within flared portion 84" of conduit 86".<sup>3</sup> Accordingly, claim 1 distinguishes Schroeder still further.

With respect to claims 2, 6, and 7 it is respectfully submitted that these claims depend from claim 1 and therefore distinguish Schroeder for at least the same reasons as provided above regarding claim 1.

With respect to claim 2, it is well established that patent drawings do not define the precise proportions of the elements and may not be relied on to show particular sizes if the specification is completely silent on the issue.<sup>4</sup> Schroeder is silent as to any relationship between the angles at which the port widens between second and third diameters and the angle at which the port widens between the first and second diameters. Thus, Schroeder cannot be relied upon to show that one angle is larger than another. Accordingly, claim 2 further distinguishes Schroeder.

With respect to claim 16, it is respectfully submitted that Schroeder fails to disclose the dimensions, sizes, angles, etc. of the block fitting. Therefore, Schroeder fails to disclose a first interior surface extending between a port opening and a second interior surface at a first angle, the second interior surface extending between the first interior surface and a third interior surface at a second angle relative to the axial direction, wherein "the second angle being larger than the first angle." As noted above with regard to claim 1, Schroeder also fails to disclose "a conduit having an annular bead, wherein . . . at least a portion of the annular bead extends beyond the port opening." Accordingly, claim 16 distinguishes over Schroeder.

With respect to claims 20 and 21, it is respectfully submitted that these claims depend from claim 16 and, therefore, distinguish Schroeder for at least the same reasons as claim 16.

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<sup>3</sup> Schroeder, Fig. 5, and column 4, line 59 to column 5, line 18.

<sup>4</sup> MPEP 2125 citing *Hockerson-Halberstadt, Inc. v. Avia Group Int'l*, 222 F.3d 951, 956, 55 USPQ2d 1487, 1491 (Fed. Cir. 2000).

Accordingly, it is respectfully requested that the rejection of claims 1, 2, 6, 7, 16, 20, and 21 under 35 U.S.C. § 102(e) as being anticipated by Schroeder et al, be reconsidered and withdrawn.

**35 U.S.C. § 103(a) Rejections**

The rejection of claims 3-5, 8, 9, 17-19, 22, and 23 under 35 U.S.C. § 103(a), as being unpatentable over Schroeder et al, is respectfully traversed based on the following.

It is respectfully submitted that claims 3-5 and 8-9 depend from claim 1, and claims 17-19 and 22-23 depend from claim 16. Accordingly, these claims distinguish Schroeder for at least the same reasons as provided above in regard to their respective base claims.

The subject claims also recite that portions of the coupling are characterized by angles that fall within specified ranges which are not taught by Schroeder. The Examiner alleges that the angles would have been obvious to a person having ordinary skill in the art “because a change in the shape of a prior art device is a design consideration within the skill of the art.”<sup>5</sup> However, that this is an incomplete application of *In re Dailey* which stands for the proposition that a change in the shape of a prior art device is a design consideration within the skill of the art *unless the claimed shape is significant to the function of the device*.<sup>6</sup> As clearly stated in the present application, the angles of the various surfaces within the coupling directly affect the ability of annular seal 24 to prevent leakage.<sup>7</sup> It is respectfully submitted that the recited angles are important to the proper function of the coupling, are more than a mere change in shape, and are therefore not obvious to one of skill in the art. Accordingly, it is respectfully requested that the rejection of claims 3-5, 8, 9, 17-19, 22, and 23 under 35 U.S.C. § 103(a) as being unpatentable over Schroeder et al, be reconsidered and withdrawn.

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<sup>5</sup> Office Action, paragraph 5.

<sup>6</sup> MPEP 2144.04 IV.B, citing *In re Dailey*, 357 F.2d 669, 149 USPQ 47 (CCPA 1966).

<sup>7</sup> Application, Figs. 1 and 3, and paragraphs 36-37.

The rejection of claims 10-13 and 24-26 under 35 U.S.C. § 103(a), as being unpatentable over Schroeder et al in view of Nakajima et al, is respectfully traversed because the combination fails to disclose all elements of the rejected claims.

It is respectfully submitted that claims 10-13 depend from claim 1, and claims 24-26 depend from claim 16, and that therefore, claims 10-13 and 24-26 distinguish Schroeder for at least the same reasons as provided above in regard to their respective base claims. It is further submitted that Nakajima fails to supply the teachings that are missing from Schroeder. Therefore, claims 10-13 and 24-26 distinguish the combination of Schroeder and Nakajima. Accordingly, it is respectfully requested that the rejection of claims 10-13, and 24-26 under 35 U.S.C. § 103(a) as being unpatentable over Schroeder et al in view of Nakajima et al, be reconsidered and withdrawn.

#### **New Claims**

New claim 39 has been added to more fully provide adequate claims coverage of various aspects of the invention. The new claim finds support in the specification, *i.e.*, Fig. 2. It is respectfully submitted that new claim 39 distinguishes over the art of record for at least the reasons provided hereinabove with respect to claims 1-38.

#### **CONCLUSION**

Wherefore, in view of the foregoing amendments and remarks, this application is considered to be in condition for allowance, and an early reconsideration and a Notice of Allowance are earnestly solicited.

This Amendment increases the number of independent claims by 1 from 4 to 5 and increases the total number of claims by 1 from 38 to 39, but does not present any multiple dependency claims. Accordingly, a Response Transmittal and Fee Authorization form authorizing the amount of \$104.00 to be charged to Sidley Austin Brown & Wood LLP's Deposit Account No. 18-1260 is enclosed herewith in duplicate. However, if the

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Reply to Office Action of June 15, 2004

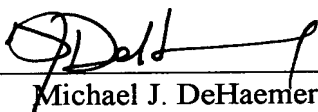
Response Transmittal and Fee Authorization form is missing, insufficient, or otherwise inadequate, or if a fee, other than the issue fee, is required during the pendency of this application, please charge such fee to Sidley Austin Brown & Wood LLP's Deposit Account No. 18-1260.

Any fee required by this document other than the issue fee, and not submitted herewith should be charged to Sidley Austin Brown & Wood LLP's Deposit Account No. 18-1260. Any refund should be credited to the same account.

If an extension of time is required to enable this document to be timely filed and there is no separate Petition for Extension of Time filed herewith, this document is to be construed as also constituting a Petition for Extension of Time Under 37 C.F.R. § 1.136(a) for a period of time sufficient to enable this document to be timely filed.

Any other fee required for such Petition for Extension of Time and any other fee required by this document pursuant to 37 C.F.R. §§ 1.16 and 1.17, other than the issue fee, and not submitted herewith should be charged to Sidley Austin Brown & Wood LLP's Deposit Account No. 18-1260. Any refund should be credited to the same account.

Respectfully submitted,

By:   
Michael J. DeHaemer  
Registration No. 39,164  
Attorney for Applicants

KJK/MAD/llb:bar  
SIDLEY AUSTIN BROWN & WOOD LLP  
717 N. Harwood, Suite 3400  
Dallas, Texas 75201  
Direct: (214) 981-3391  
Main: (214) 981-3300  
Facsimile: (214) 981-3400  
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